IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 20th day of December, 2005

Crl. Bail Application No. 1187 of 2005

Order on the bail application of accused

Criminal Side

Om Prakash
S/o Atar Singh
R/o Village- Bhaktowali
Police Station- Jhabreda
District- Haridwar. …….. Applicant

Versus

State of Uttaranchal ……... Opposite Party

Arising out of Crime No. 56 of 2005
Under Sections: 302 of I.P.C.
Police Station: Jhabreda.
District: Haridwar

Hon'ble Prafulla C. Pant, J.

This is bail application moved on behalf of the applicant- Om Prakash S/o Atar Singh who is in jail in connection with Case Crime No. 56 of 2005 under Section 302 I.P.C., Police Station Jhabreda, District- Haridwar.

Heard learned counsel for the applicant and learned A.G.A.

According to the F.I.R. the deceased had gone with applicant and one Rajendra Kumar in connection with some professional work. All the three were expected to return on 15.09-2005. When applicant- Om Prakash and his brother Raj Kumar came back on said date (15.09.2005), at about 11:00 P.M., they told brother of the deceased that they met some miscreants near sub-station who robbed them of the belongings and took away with them Vijay Pal (deceased). Thereafter, the

body of the deceased was found in a field of sugarcane near sub-station. The complainant, brother of the deceased has lodged the F.I.R. suspecting that the applicant Om Prakash and his brother Raj Kumar has committed the murder.

It is the case of the deceased last seen with the applicant and his brother. There is no motive mentioned in the F.I.R. The accused and his brother themselves have told to the complainant about the alleged incident of the robbery.

In these facts and circumstances of the case, without expressing any opinion as to final merits of this case, this Court is of the view that it is a fit case for bail. Let the applicant be released on bail on executing personal bond and furnishing of two surety bonds each of the like amount to the satisfaction of the Chief Judicial Magistrate, Haridwar.

Dt. 20.12.2005 **(Prafulla C. Pant, J.)**

Sweta